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EXAMINER

RECEK, JASON D

ART UNIT	PAPER NUMBER
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2109

MAIL DATE	DELIVERY MODE
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06/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/662,968

Applicant(s)

HUSAIN ET AL.

Examiner

Jason Recek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 08/16/2004; 11/26/2004.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

This is in response to the application filed September 15th, 2003, in which claims 1-50 are presented for examination.

Status of Claims

Claims 1-50 are pending of which claims 1, 9, 18, 26, 35 and 43 are in independent form.

Claims 1-50 are currently rejected.

Claim 1 is currently objected to.

Drawings

1. The drawings are objected to because Fig. 26 is illegible. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each

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drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: the term "pre-complied binaries" should be 'pre-compiled' (page 5, line 7). The word "translayed" is misspelled (page 6, line 29). The phrase "computer blade blade" is redundant (page 25, line 5). Also on page 25, in line 10 there is a lone parenthesis mark after "Figure 3". The term "computer blades" is used to refer to a single computer blade 403 (page 26, line 18).

Appropriate correction is required.

Claim Objections

3. Claim 1 is objected to because of the following informalities: the term "the collaborative application" does not have proper antecedent basis in the claim.

Appropriate correction is required.

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Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 18-34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 18-34 are directed to a carrier medium, which the applicant defined in the specification (page 63, lines 1-6) to encompass an electrical, electromagnetic, or digital signal. Signals are considered to be a form of energy. Energy is not a series of steps or acts and is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefore not a compilation of matter. Thus, signals do not fall within any of the four statutory categories of invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6, 9, 11-15, 18-23, 26, 28-32, 35-40, and 43-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Colyer et al. U.S. Pat. No. 6,151,621.

Regarding claim 1, Colyer discloses, “sending collaborative data from a first instance of the collaborative application on a first computer system” (Fig. 1 item 10A), “to a second instance of the collaborative application on a second computer system;” (Fig. 1 item 10B), “sending collaborative data from the second instance of the collaborative application to the first instance of the collaborative application” as a personal conferencing system that communicates over a network between two or more computers, the conferencing system being the collaborative application (Fig. 1, col. 1 ln. 30-40, col. 7 ln. 6-8). Colyer also discloses, “sending collaborative data from a third instance of the collaborative application on the first computer system to a fourth instance of the collaborative application on the second computer system; and sending collaborative data from the fourth instance of the collaborative application to the third instance of the collaborative application” as a computer that runs multiple applications of a conference program (Fig. 1 item 16A, 16C). The multiple applications 16A and 16C are the instances disclosed in the claim, although the second computer 10B is shown with only one application running, it is taught from the disclosure that both computers could have two or more instances of the application and send data between the specific instances of the application (Fig. 1, col. 1 lines. 30-40).

Regarding claim 2, Colyer discloses “wherein each instance of the collaborative application is associated with a globally unique ID (GUID) which distinguishes the respective instance from other instances in the networked computing environment” as a

necessary part of being able to run multiple instances of an application (Fig. 1). In order for to allow one computer to run two instances of an application and have them communicate and be able to receive data in return specific to that collaborative session, such an identifier would be inherent and may be similar to the meta data (identifying data) found in an IP packet (col. 1, lines 39-41).

Regarding claim 3, Colyer discloses "wherein each respective instance of the collaborative application sends and receives collaborative data by sending and receiving messages through a distributed computing infrastructure" as a group of computers that are communicate over a network the network being a distributed computing infrastructure (Fig. 1 item 14).

Regarding claim 4, Colyer discloses "wherein the collaborative application comprises a chat application which enables a user of the first computer system and a user of the second computer system to communicate using text; wherein the collaborative data comprises text to be displayed" as a personal conferencing system that uses 'chat rooms' which enable users (of computer systems) to communicate in text or voice (column 1, lines 13-16).

Regarding claim 5, Colyer discloses "wherein the collaborative application comprises a shared whiteboard application which enables a user of the first computer system and a user of the second computer system to communicate using graphical data

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on a virtual shared whiteboard; wherein the collaborative data comprises graphical data to be displayed” as a conferencing system that allows a number of participants to interact with a white board where they can see and edit the same drawing (column 1, lines 21-23).

Regarding claim 6, Colyer discloses “determining an application type of the collaborative application” as a conferencing system that supports several ways to collaborate, these include chat rooms, and whiteboards, in order to collaborate it is essential that the computer start the appropriate program necessary (either the chat or white board application) and in doing so it would determine what type of collaborative application was in use (Fig. 3 item 50A, col. 8 lines 25-30). Colyer further discloses “determining whether an existing instance of the application type of the collaborative application is running on the second computer system” as a server that keeps track of conferences in progress, thus distinguishing between conferences that are running and those that are not (col. 8, lines 16-17). Colyer discloses “wherein the sending the collaborative data from the first instance of the collaborative application to the second instance of the collaborative application comprises sending the collaborative data to the existing instance if the existing instance of the application type of the collaborative application is running on the second computer system” because once the conference has started the two computers will send data between the two instances of the application (col. 8 lines 6-12). Colyer also discloses, “wherein the sending the collaborative data from the first instance of the collaborative application to the second

instance of the collaborative application comprises sending the collaborative data to a new instance of the collaborative application if the existing instance of the application type of the collaborative application is not running on the second computer system" as a way to start conferences not in progress by initializing an instance of the collaborative application on the second computer when the user requests a conference (col. 8 lines 1-5).

Regarding claim 9, Colyer discloses "maintaining a first collaborative session, wherein the first collaborative session comprises transmission of a first set of collaborative data between a first computer system" (Fig. 3 Server, col. 7 lines 6-8), "a second computer system, and zero or more additional computer systems;" (Fig. 3 Client 1 in communication with Server, col. 7 line 6), "maintaining a second collaborative session" (Fig. 3 item 36 of Client 2 in communication with item 50B), "wherein the second collaborative session comprises transmission of a second set of collaborative data between the first computer system, a third computer system" (Fig. 3 Client 2), "and zero or more additional computer systems" as a conferencing system that allows for a plurality of sessions wherein data is transferred from at least one computer to a second computer and may be transferred to a third or more computer, also the data to be transferred may originate from any of the computers (Fig. 3, col. 7 lines 47-50). Colyer also discloses, "wherein transmission of at least a portion of the second set of collaborative data occurs prior to transmission of all of the first set of collaborative data" as a white board collaborative session where drawings are performed in a series of

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steps (col. 8 lines 60-64, col. 9 lines 50-59). It is easy to imagine a collaborative session where a first user transmits the first sequence of drawings / steps and a second user on a second computer transmits the next sequence of drawings / steps after which the first user transmits another sequence of drawings to steps. The steps transmitted by the respective users comprise sets of collaborative data and when transmitted in this order they anticipate claim 9.

Regarding claims 11-15, the claims correspond to claims 2-6 which are rejected above. The claims 11-15 contain the same limitations and are therefore rejected for the same reasons as stated in the rejections of claims 2-6.

Regarding claim 18, Colyer discloses "a carrier medium comprising program instructions for providing a plurality of collaborative sessions in a networked computing environment, wherein the program instruction are computer-executable to implement: [the method of claim 1]" as a conferencing system that runs on a computer having a memory and a processor where instructions are stored and executed (Fig. 3), Colyer also discloses the method of claim 1 as laid out in the rejection of claim 1.

Regarding claims 19-23, the claims correspond to claims 2-6 which are rejected above. The claims 19-23 contain the same limitations and are therefore rejected for the same reasons as stated in the rejections of claims 2-6.

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Regarding claim 26, Colyer discloses “a carrier medium comprising program instructions for providing a plurality of collaborative sessions in a networked computing environment, wherein the program instruction are computer-executable to implement: [the method of claim 9]” as a conferencing system that runs on a computer having a memory and a processor where instructions are stored and executed (Fig. 3), Colyer also discloses the method of claim 9 as laid out in the rejection of claim 9.

Regarding claims 28-32, the claims correspond to claims 11-15 which are rejected above. The claims 28-32 contain the same limitations and are therefore rejected for the same reasons as stated in the rejections of claims 11-15.

Regarding claim 35, Colyer discloses: “a system comprising: a first computer system, comprising a first CPU and a first memory” as a client computer (Fig. 3); “one or more additional computer systems, each comprising a respective additional CPU and a respective additional memory, wherein the one or more additional computer systems are communicatively couple to the first computer system via a network” as multiple computers connected through a network (Figs. 1 and 3); “wherein the first memory and the additional memories comprise program instruction which are executable by the first CPU and the additional CPUs to: [perform the method of claim 1]” as a conferencing system that allows multiple users to collaborate using computers that store instances of the collaboration session (Fig. 3 and column 7, lines 39-50).

Regarding claims 36-40, the claims correspond to claims 2-6 which are rejected above. The claims 36-40 contain the same limitations and are therefore rejected for the same reasons as stated in the rejections of claims 2-6.

Regarding claim 43, Colyer discloses: "a first computer system, comprising a first CPU and a first memory;" as a client computer (Fig. 3);

"a plurality of additional computer systems, each comprising a respective additional CPU and a respective additional memory, wherein the plurality of additional computer systems are communicatively couple to the first computer system via a network" as multiple computers connected through a network (Figs. 1 and 3);

"wherein the first computer system and a first subset of the additional computer systems are operable to maintain a first collaborative session, wherein a first instance of a collaborative application is stored in the first memory and executable by the first CPU, and wherein a respective instance of the collaborative application is stored in the respective memory and executable by the respective CPU of each of the first subset of the additional computer systems" as a conferencing system consisting of multiple computers where the collaboration instances are stored locally in the computer's memory (Fig. 3, column 7, lines 39-44);

"wherein the first computer system and a second subset of the additional computer systems are operable to maintain a second collaborative session, wherein a second instance of the collaborative application is stored in the first memory and executable by the first CPU, and wherein a respective instance of the collaborative

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application is stored in the respective memory and executable by the respective CPU of each of the second subset of the additional computer systems" as a conferencing system that allows for each computer to run multiple instances of the collaborative application, each instance being stored on the computer locally, thus different instances allow a user to maintain multiple collaboration sessions concurrently (Fig. 3, column 8, lines 14-18, column 10, lines 15-20);

"wherein the second collaborative session comprises transmission of collaborative data among the second instance of a collaborative application on the first computer system and the respective instances of the collaborative application on the second subset of the additional computer systems" as a conferencing system that allows users to collaborate over a network and the collaboration data is only sent to those participating in the conference (i.e. running an instance of the application) (Fig. 3, column 8, lines 18-20 and column 9, lines 50-59).

Thus, Colyer anticipates claim 43.

Regarding claim 44-48, the claims correspond to claims 2-6 which are rejected above. The claims 44-48 contain the same limitations and are therefore rejected for the same reasons as stated in the rejections of claims 2-6.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7-8, 16-17, 24-25, 33-34, 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colyer in view of Butler U.S. 6,584,493 B1.

Regarding claim 7, Colyer discloses all the limitations of claim 1 but does not disclose "wherein data is send from the first computer system to the second computer system and one or more additional computer systems using multicast peer-to-peer messaging". Butler however does teach the above limitation as a conferencing system that is end-hosted and thus data transmitted is done in the peer-to-peer fashion, the multicast is implemented when the end-hosts act as servers for the other clients and pass the data along (columns 4-5, lines 61-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Colyer with the teachings of Butler. The motivation for doing so can be found in Butler as performance data that shows when peer-to-peer messaging is used there is a significant reduction in network traffic (column 5, lines 11-12).

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Regarding claim 8, Colyer discloses all the limitations of claim 1 but does not disclose "wherein data is send from the first computer system to the second computer system and one or more additional computer systems using broadcast peer-to-peer messaging". Butler however does teach the above limitation as a conferencing system that is end-hosted and thus data transmitted is done in the peer-to-peer fashion, broadcasting data is performed when the host globally broadcasts to all members in the conference (column 5, lines 7-10).

The motivation to combine Colyer with Butler is the same as for claim 7.

Regarding claims 16-17, 24-25, 33-34, 41-42, and 49-50 the claims are the same as claims 7-8, thus they are rejected under the same rationale. The motivation to combine the two references is the same as well.

9. Claims 10 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colyer in view of Harple et al. U.S. 6,195,091 B1.

Regarding claims 10 and 27, Colyer discloses "wherein a first session comprises communication among a first instance of the collaborative application running on the first computer system" (col. 8 lines 6-9), "a second instance of the collaborative application running on a second computer system" (col. 7 lines 47-50), "and a third instance of the collaborative application running on a third computer system" (col. 7 lines 47-50), "and wherein the method further comprises: initiating a fourth instance of

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the collaborative application on the first computer system" as a conferencing system that supports a plurality of users and applications where the applications allow the users to collaborate (Fig. 1 and Fig. 3). Colyer does not disclose "sending a private message from the fourth instance of the collaborative application on the first computer system to the second computer system; receiving the message at the second computer system; initiating a fifth instance of the collaborative application on the second computer system in response to receiving the message" however Harple et al. teaches this as a system wherein multiple conference sessions may run on a computer, the conference sessions provide text message capability, and a user may send a message to another user and when received a new collaborative session will be initiated (Fig. 2, column 10 lines 23-57). Harple et al. also discloses "wherein a second session comprises the fourth instance of the collaborative application on the first computer system and the fifth instance of the collaborative application on the second computer system" as a system that provides for multiple collaborative sessions running concurrently (column 2, lines 33-36); and further discloses "displaying the message using the fifth instance of the collaborative application on the second computer system" by providing a graphical user interface for displaying messages (column 11, lines 3-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Colyer with Harple et al. Once the conference has started it may be more efficient to communicate with one member directly and privately than the entire group. Instead of picking up the phone, Harple et al. allows a user to simply send a message from their computer to another conference

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member thereby starting a second collaborative session. The motivation to combine this feature with the conference feature of Colyer is to reduce costs by not having to use the telephone.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Simonoff, Adam J. US 6,463,460 B1.

Varma et al. US 6,564,246 B1.

Carmichael, Dennis US 2003/0208534 A1.

Zhu et al. US 7,130,883 B2.

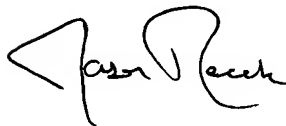
Hussein et al. US 7,007,235 B1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Recek whose telephone number is (571) 270-1975. The examiner can normally be reached on Mon - Thurs 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Coby can be reached on (571) 272-4017. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jason Recek

6/06/07


FRANTZ COBY
PRIMARY EXAMINER